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September 10, 2024

To (via ECF):

Honorable Gary R. Brown, U.S.D.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: **Chacon v. Amity Car Wash, Inc. et. al.**
Civil Docket No.: 2:21-cv-06201-GRB-ST

Dear Judge Brown:

Our office represents the Plaintiffs in the above-referenced matter, and we submit this letter motion to respectfully request the Court for a Status Conference.

On May 11, 2022, the Court was notified that this matter has been settled via the Court annexed mediation program and the parties were ordered to file a joint motion for judicial approval of the proposed settlement that includes the proposed settlement agreement and a letter brief addressing the factors discussed in *Cheeks v. Freeport Pancake House, Inc.* Since then, the parties have submitted their settlement papers twice (Dkt. Nos. 36 & 39) but were both denied. “Specifically, section 2.a. reflects internally inconsistent monetary figures. Further, the release of plaintiffs’ claims appears to be overbroad. See *Aguilar v. N & A Prods. Inc.*, No. 19-CV-1703 (RA), 2019 WL 5449061, at *3 (S.D.N.Y. Oct. 24, 2019); *Benshabat v. T-Fusion LLC*, No. 20-CV-3718-LDH-SJB, 2021 WL 7209244, at *2 (E.D.N.Y. Mar. 19, 2021). The non-disparagement clause is also improper. See *Lopez v. Nights of Cabiria, LLC*, 96 F. Supp. 3d 170, 181 (S.D.N.Y. 2015).”

Our office has made numerous follow-ups to Defendants counsel regarding the revised settlement agreement which complies with the Court’s Order. Most recently on August 29, 2024, counsel for Defendants explained that he would follow-up with Defendants about the revised settlement agreement, but has failed to respond to date despite follow-up emails. In light of the foregoing, we respectfully request the Court for a Status Conference at the Court’s convenience.

We thank the Court for its kind consideration of this matter and remains available to provide any additional information.

Respectfully submitted,

/s/

Katelyn M. Schillaci, Esq.

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